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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,247	07/22/2004	Thomas Friedhelm Boehme	DE920010119US1	1613

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11400 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/502,247

Applicant(s)

BOEHME ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/24/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 7/22/2004.
2. Claims 1-21 are pending in the application. Claims 1 and 18 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted 7/22/2004 under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 10 of the specification recites the phrase 'upon entering a new name, the user can select to create a new page by saving it. The new name does not have to be unique, but the for purpose of continued maintainability it is recommended to do so'.

Page 11 of the specification recites the phrase 'the layout manager shows the new page and prepares it for any allowed modification'.

Page 12 of the specification recites the phrase 'As a side effect, all parent components will implicitly marked as "immutable" as well.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1, 14, 15, and 18, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to independent claim 1, the preamble recites the following phrase ‘a defined layout comprising at least one container, wherein said container is assigned by an identification to a defined layer, and by an identification to an existing parent container, immutable parts of said defined layout, and access rights of the next level of administration’. The language fails to accurately point out and distinctly claim the subject matter which applicant regards as the invention. Grammatically, the vexatious nature of the preamble leaves the examiner confused by what the specialization system is.

In reference to dependent claim 14, the claim recites the phrase ‘wherein delete a container is added’. The language seems to delete a container than add a container at the same time. The language is vague at best and fails to accurately point out the subject matter.

In reference to dependent claim 15, the claim recites the phrase ‘wherein move of a container is added’. The language seems to move a container than add a container at the same time. The language is vague at best and fails to accurately point out the subject matter.

In reference to independent claim 18, the claim recites the phrase ‘characterized by a further delegated specializing system which is configured to execute the method according to claim 1’.

The language seems to point to a hybrid-type claim with a reference within the claim back to the independent claim. The language is unclear at best. The reference back to independent claim 1 should be removed.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 is drawn to non-functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:**

“Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.”

“Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized.”

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimbo et al., USPN 6,760,840 filed (8/26/1998).**

In reference to independent claim 1, Shimbo teaches:

Editing procedures made by a user and stored as deltas with respect to a target version (compare to “*specializing said defined layer by modifying its changeable parts resulting in a delta to said defined layer*”). See column 8, lines 30-67. The converted editing procedures are stored as a difference with respect to the previous version in a format suitable for the record management scheme and an identification of edited versions is stored (compare to “*and assigning identification to said new layer, said identification of said defined layer*”). See column 7, lines 1-67 and column 8, lines 1-50.

A method of storing editing procedures or deltas as a difference with respect to the editing target version (compare to “*storing said delta in layer table*”). The reference provides a management scheme for the storage of deltas within the editing; however, the reference fails to explicitly state a layer table. It would have been obvious to one of ordinary skill in the art having the known storage/database methods taught by Shimbo to provide a table for the storage of deltas to produce accurate content versions to a user.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data (compare to “*defining parts of said delta to be unchanged by the next administration level*”). See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed (compare to “*granting access rights to said delta to the next administration level for specialization purposes*”). See column 5, lines 32-45.

In reference to dependent claim 2, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

In reference to dependent claim 3, Shimbo teaches:

The claim states ‘wherein said new level comprises containers with or without’. The claim language fails to preclude the examiner from utilizing the record management methods taught by Shimbo because there wouldn’t be a need for the reference to teach the frame being assigned by identification to parent container of a previous layer. See column 5, lines 32-45.

In reference to dependent claim 4, Shimbo teaches:

The editing procedure data output from the record management information generation unit and converted into the record data in a format suitable for the record management scheme used by the record management generation unit. See column 9, lines 38-56. The storage format taught by Shimbo suggests the tree structure within the multiple versions stored by the record management system.

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In reference to dependent claim 5, Shimbo teaches:

The editing procedure generation unit receives the file content in the editing target version and the file content resulting from the editing carried out with respect to that file. See column 9, lines 15-27.

In reference to dependent claim 6, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data. See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

In reference to dependent claim 7, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

In reference to dependent claim 8, Shimbo teaches:

The editing end declaration is made by transmitting a command word indicating that it is the editing end declaration, followed by the file ID of the file for which the editing is finished. See column 28, lines 35-46.

In reference to dependent claim 9, Shimbo teaches:

The server is managing a plurality of files. The files contain not just data which represent the file contents, but also information for record management, a list of user names for whom the accesses are allowed. See column 5, lines 32-45. The record management system could set administration levels for multiple users and multiple levels.

One way for the server side to judge whether content could be merged or not again is to set a lock on the updating of the file data. See column 18, lines 39-67. This method provides a way for the next user to be locked out from editing a version or delta, which is a similar feature to the defining of a delta to be unchanged by another user.

In reference to dependent claim 10, Shimbo teaches:

The shared file access-processing unit reads out the version information and the current position information concerning the file ID of ID1 from the access information memory unit, and adds the information along with the file ID of ID1 and the number of bytes to be read out to the argument of the shared open function. See column 41, lines 35-55.

In reference to dependent claim 11, Shimbo teaches:

At the server which received this, the insertion position and the deletion range are converted into the position data with respect to the latest version at the timing by the editing procedure conversion unit. See column 21, lines 1-10.

In reference to dependent claim 12, Shimbo teaches:

Various version Ids utilized in the record management and editing features maintained by the added/edited files of the control structure. See column 29, lines 23-55.

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In reference to dependent claim 13, Shimbo teaches:

A case in which the deletion target is not the first version of the records or the current version. In this case, the previous version of the deletion target version is read out from the server. Here, a plurality of enciphered block data containing the latest version are transmitted from the server. See column 34, lines 1-15.

In reference to dependent claim 14, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

In reference to dependent claim 15, Shimbo teaches:

The editing features carried out by a user include insertion data, insertion positions, deletion start positions, and deletion end positions. See column 9, lines 20-25.

In reference to claims 16-21, the claims recite similar limitations to those found in claims 1-10. Therefore, the claims are rejected under similar rationale.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Icken et al,

USPN 6,839,878

filed (5/8/2000)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
July 6, 2006


STEPHEN HONG
SUPERVISORY PATENT EXAMINER